FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3086 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.Pramod N.Patil for the petitioner

Mr.A.S.Shitole APP for the State.

Coram : R.S.Mohite,J

Date : 2.3.2006.

PC

1. This petition challenges an order dated 13.10.2005 passed by the JMFC, Pune, below Exh.48 in CC No.2406/2001, refusing an application on behalf of the accused to send the disputed cheque which is the subject matter of 138 proceedings to hand writing expert alongwith his specimen signature. It is the case of the accused that the cheque has not been filled by him. Signature on the cheque is accepted by the accused. In the circumstances, whether other details has been

filled in later may not have any relevance. Advocate for the petitioner states that the cheque has been stolen. Even assuming so, it is open for the petitioner to lead evidence of the hand writing expert. In the circumstances, with liberty to move for applying certified zerox copy of the cheque which is on record and for leading evidence of any hand writing expert of his choice as a defence witness, petition is dismissed.

(R.S.Mohite,J)